

Order

Michigan Supreme Court
Lansing, Michigan

February 1, 2012

Robert P. Young, Jr.,
Chief Justice

144108 & (45)

Michael F. Cavanagh
Marilyn Kelly
Stephen J. Markman
Diane M. Hathaway
Mary Beth Kelly
Brian K. Zahra,
Justices

In re KRUPA, Minors.

SC: 144108
COA: 302834
Ingham CC Family Division:
08-001600-NA; 08-001601-NA

On order of the Court, the motion to consider additional transcripts is GRANTED. The application for leave to appeal the October 25, 2011 judgment of the Court of Appeals is considered and, pursuant to MCR 7.302(H)(1), in lieu of granting leave to appeal, we REVERSE the judgment of the Court of Appeals. The Court of Appeals misapplied the clear error standard by engaging in improper fact-finding and substituting its judgment for that of the trial court. MCR 3.977(K); MCR 2.613(C); *In re Miller*, 433 Mich 331 (1989). As a result, the Court of Appeals rendered a decision that was contrary to the clear and convincing evidence supporting the statutory grounds for termination under MCL 712A.19b(3)(g) and (j). We REMAND this case to the Court of Appeals for it to address the remaining issue raised by the respondent on direct appeal—whether the trial court erred in determining that termination of parental rights was in the children’s best interests. MCL 712A.19b(5).

We do not retain jurisdiction.



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I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

February 1, 2012

Corbin R. Davis

Clerk